

AMENDMENT TO RULES COMM. PRINT 117-31
OFFERED BY MRS. BOEBERT OF COLORADO

At the appropriate place in division D, insert the following:

1 **SEC. ____ . IMPOSITION OF SANCTIONS WITH RESPECT TO**
2 **MOBILE APPLICATIONS OR SOFTWARE PRO-**
3 **GRAMS THAT ENGAGE IN THEFT OR UNAU-**
4 **THORIZED TRANSMISSION OF USER DATA.**

5 (a) IMPOSITION OF SANCTIONS.—Notwithstanding
6 any other provision of law, the President is authorized to
7 impose the sanctions described in subsection (b) with re-
8 spect to any foreign person that the President determines
9 has developed, maintains, provides, owns, or controls a
10 mobile application or software program that—

11 (1) engages in the theft or unauthorized trans-
12 mission of a user’s data to servers located in China;
13 and

14 (2) provides to the Government of the People’s
15 Republic of China (PRC), the Chinese Communist
16 Party (CCP), or any person owned by or controlled
17 by the PRC or CCP access to such data.

18 (b) SANCTIONS DESCRIBED.—

1 (1) IN GENERAL.—The sanctions described in
2 this subsection with respect to a foreign person de-
3 termined by the President to be subject to sub-
4 section (a) are the following:

5 (A) ASSET BLOCKING.—The President
6 shall exercise of all powers granted to the Presi-
7 dent by the International Emergency Economic
8 Powers Act (50 U.S.C. 1701 et seq.) to the ex-
9 tent necessary to block and prohibit all trans-
10 actions in property and interests in property of
11 the foreign person if such property and inter-
12 ests in property are in the United States, come
13 within the United States, or are or come within
14 the possession or control of a United States
15 person.

16 (B) INADMISSIBILITY OF CERTAIN INDI-
17 VIDUALS.—

18 (i) INELIGIBILITY FOR VISAS, ADMIS-
19 SION, OR PAROLE.—In the case of a for-
20 eign person who is an individual, the for-
21 eign person is—

22 (I) inadmissible to the United
23 States;

1 (II) ineligible to receive a visa or
2 other documentation to enter the
3 United States; and

4 (III) otherwise ineligible to be
5 admitted or paroled into the United
6 States or to receive any other benefit
7 under the Immigration and Nation-
8 ality Act (8 U.S.C. 1101 et seq.).

9 (ii) CURRENT VISAS REVOKED.—

10 (I) IN GENERAL.—In the case of
11 a foreign person who is an individual,
12 the visa or other documentation
13 issued to the person shall be revoked,
14 regardless of when such visa or other
15 documentation is or was issued.

16 (II) EFFECT OF REVOCATION.—
17 A revocation under subclause (I)
18 shall—

19 (aa) take effect immediately;
20 and

21 (bb) automatically cancel
22 any other valid visa or entry doc-
23 umentation that is in the per-
24 son's possession.

1 (2) PENALTIES.—The penalties provided for in
2 subsections (b) and (c) of section 206 of the Inter-
3 national Emergency Economic Powers Act (50
4 U.S.C. 1705) shall apply to a person that violates,
5 attempts to violate, conspires to violate, or causes a
6 violation of regulations promulgated under sub-
7 section (e) to implement this section to the same ex-
8 tent that such penalties apply to a person that com-
9 mits an unlawful act described in section 206(a) of
10 such Act.

11 (3) EXCEPTION TO COMPLY WITH UNITED NA-
12 TIONS HEADQUARTERS AGREEMENT.—Sanctions
13 under paragraph (1)(B) shall not apply to a foreign
14 person who is an individual if admitting the person
15 into the United States is necessary to permit the
16 United States to comply with the Agreement regard-
17 ing the Headquarters of the United Nations, signed
18 at Lake Success June 26, 1947, and entered into
19 force November 21, 1947, between the United Na-
20 tions and the United States, or other applicable
21 international obligations.

22 (c) WAIVER.—The President may, on a case-by-case
23 basis and for periods not to exceed 180 days, waive the
24 application of sanctions imposed with respect to a foreign
25 person under this section if the President certifies to the

1 appropriate congressional committees not later than 15
2 days before such waiver is to take effect that the waiver
3 is vital to the national security interests of the United
4 States.

5 (d) IMPLEMENTATION AUTHORITY.—The President
6 may exercise all authorities provided to the President
7 under sections 203 and 205 of the International Emer-
8 gency Economic Powers Act (50 U.S.C. 1702 and 1704)
9 for purposes of carrying out this section. The exceptions
10 to the President’s authority described in section 203(b)
11 of the International Emergency Economic Powers Act, as
12 amended by section 1, shall not apply to the President’s
13 authority to exercise authorities under this section.

14 (e) REGULATORY AUTHORITY.—

15 (1) IN GENERAL.—The President shall, not
16 later than 180 days after the date of the enactment
17 of this Act, prescribe regulations as necessary for
18 the implementation of this Act and the amendments
19 made by this Act.

20 (2) NOTIFICATION TO CONGRESS.—No later
21 than 10 days before the prescription of regulations
22 under subsection (1), the President shall notify the
23 appropriate congressional committees regarding the
24 proposed regulations and the provisions this Act and

1 the amendments made by this Act that the regula-
2 tions are implementing.

3 (f) DEFINITIONS.—In this section:

4 (1) ADMITTED; ALIEN.—The terms “admitted”
5 and “alien” have the meanings given those terms in
6 section 101(3) of the Immigration and Nationality
7 Act (8 U.S.C. 1101(3)).

8 (2) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term “appropriate congressional com-
10 mittees” means—

11 (A) the Committee on Foreign Affairs, the
12 Committee on the Judiciary, the Committee on
13 Ways and Means, and the Committee on Finan-
14 cial Services of the House of Representatives;
15 and

16 (B) the Committee on Foreign Relations
17 and the Committee on Banking, Housing, and
18 Urban Affairs of the Senate.

19 (3) FOREIGN PERSON.—The term “foreign per-
20 son” means a person that is not a United States
21 person.

